

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1015 – SB 1060

March 16, 2017

SUMMARY OF ORIGINAL BILL: Requires an appointing authority when proposing to fill a position in the preferred service to appoint within 45 days, rather than within 30 days, one of the applicants identified on the referred list of eligible applicants prepared by the Commissioner of the Department of Human Resources.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (005093): Deletes and rewrites the bill to clarify, under Tenn. Code Ann. § 8-8-301, that “deputy”, as used in Tenn. Code Ann. §§ 8-8-301 and -302, means a jailer appointed by a sheriff under Tenn. Code Ann. § 40-4-101.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The Tennessee Governmental Tort Liability Act (GTLA), Tenn. Code Ann. § 29-20-101 et seq., provides immunity to counties from all suits arising out of their activities unless immunity is specifically removed by the GTLA.
- Tenn. Code Ann. § 8-8-301 provides a sheriff immunity for any wrongs arising from the acts of a deputy. Tenn. Code Ann. § 8-8-302 requires any person incurring a wrong, injury, loss, damage, or expense arising from the acts of a deputy to bring a suit against the county, which is afforded certain protections under the GTLA.
- Recently, some cases have arisen in which parties assert that a jailer is not a “deputy” under Tenn. Code Ann. § 8-8-301 or -302. Therefore, the jailer is not afforded protections under GTLA, and the sheriff can be held liable for the jailer’s actions.
- The proposed legislation adds a subsection to Tenn. Code Ann. § 8-8-301 to clarify that “deputy”, as used in Tenn. Code Ann. §§ 8-8-301 and -302, includes a jailer appointed by a sheriff.

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- Any impact resulting from limiting the liability of the sheriff for an appointed jailer's actions is dependent upon multiple unknown factors; however, the overall impact to local government is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm